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8 IN THE UNITED STATES DISTRICT COURT  
9  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA, ) No. CR 12-0204 MMC  
12 Plaintiff, ) STIPULATION AND [PROPOSED]  
13 v. ) ORDER CONTINUING NOVEMBER 28  
14 SAUL SANCHEZ REYES, ) 21, 2012 HEARING DATE TO  
15 Defendant. ) DECEMBER 12, 2012 AND SETTING  
16 \_\_\_\_\_ ) BRIEFING AND HEARING DATES  
17 ) AND EXCLUDING ADDITIONAL  
18 ) TIME FROM NOVEMBER 21, 2012  
19 ) ~~TO DECEMBER 12, 2012~~  
20 ) 28, 2012 TO DECEMBER 12, 2012

21 **STIPULATION**

22 This Court previously set a briefing schedule based on the agreement of the parties. The  
23 parties previously stipulated and the court ordered that the briefing schedule be continued so that the  
24 government could provide the defense with the audio tape recording of Mr. Sanchez Reyes'  
25 immigration hearing that resulted in defendant's removal from the United States, which is directly  
26 relevant to defendant's challenge to the removal. The government requested the recording on  
September 25, 2012 but still has not received it and thus has not been able to provide it to the  
defense. The parties thus stipulate to a further continuance so that the defense can receive this

1 discovery prior to filing the motion (assuming the motion is not made moot by the audio recording).

2 The proposed briefing and hearing schedule will be as follows: defendant will file his opening  
3 motion on November 7, 2012; the government will file an opposition on November 28, 2012; the  
4 defense will file a reply on December 5, 2012; the motion will be heard on December 12, 2012 or  
5 any date thereafter convenient to the Court.

6 The parties also agree that the time between November 21, 2012 and December 12, 2012 (or  
7 some date thereafter convenient to the Court) should be excluded under the Speedy Trial Act; the  
8 continuance is necessary for effective preparation of counsel, 18 U.S.C. § 3161(h)(1)(D) and  
9 (h)(7)(A) and (h)(7)(B)(iv) and for defendant's pending motion as of November 7, 2012, and the  
10 ends of justice served by granting such a continuance outweigh the best interests of the public and  
11 the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

12 SO STIPULATED.

14 Dated: October 16, 2012

MELINDA HAAG  
United States Attorney

16 /s/ Mark Kang  
17 J. MARK KANG  
18 Special Assistant United States Attorney

19 Dated: October 16, 2012

20 /s/ Candis Mitchell  
21 CANDIS MITCHELL  
22 Attorney for Defendant

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## ORDER

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2 For the reasons stated above, the Court continues the hearing date from November 21, 2012 to  
3 December 12, 2012 and sets the motion briefing and hearing date as follows: Defendant will file his  
4 opening motion on November 7, 2012; the government will file an opposition on November 28,  
5 2012; the defense will file a reply on December 5, 2012; the motion will be heard on December 12,  
6 2012.

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7 IT IS FURTHER ORDERED that the time between November 21, 2012 and December 12,  
8 2012 should be excluded under the Speedy Trial Act; the continuance is necessary for effective  
9 preparation of counsel, 18 U.S.C. § 3161(h)(1)(D) and (h)(7)(A) and (h)(7)(B)(iv) and for  
10 defendant's pending motion as of November 7, 2012, and the ends of justice served by granting such  
11 a continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C.  
12 § 3161(h)(7)(A).

14 || SO ORDERED.

DATED: October 16, 2012

  
THE HONORABLE MAXINE M. CHESNEY  
United States District Judge